

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see Form PCT/ISA/220

PCTWRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see Form PCT/ISA/210 (sheet 2)

Applicant's or agent's file reference
see Form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/FR2005/000774

International filing date (day/month/year)
30.03.2005

Priority date (day/month/year)
02.04.2004

International Patent Classification (IPC) or both national classification and IPC
F16K31/08

Applicant
SIDEL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires earlier.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I. Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. V Reasoned statement under Rule 43*b*/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Statement

| | | | |
|--------------------------|------|--------|------|
| Novelty | Yes: | Claims | 1-15 |
| | No: | Claims | |
| Inventive Step | Yes: | Claims | 1-15 |
| | No: | Claims | |
| Industrial Applicability | Yes: | Claims | 1-15 |
| | No: | Claims | |

2. Citations and explanations:

see separate sheet

As regards point V

Reasoned statement regarding novelty, inventive step and industrial applicability; citations and explanations in support of this statement.

Reference is made to the following document:

D1: EP-A-0 436 214 (TOYO SEIKAN KAISHA LTD) 10 July 1991 (1991-07-10)

Document D1 (Figure 1), which is considered to be the closest prior art to the subject matter of claim 1, describes (the references between parentheses apply to this document) a valve comprising a closure member (6) placed in a chamber (7) made in the body of the valve, one end of said chamber being provided with a seat (2) against which one part (forming the valve element) of the closure member bears in a closed position of the valve and is moved away therefrom in an open position of the valve, and a magnetic control device with means (10) for magnetically driving the closure member, said means being placed outside the chamber, in order to place it either in its closed position or in its open position.

Consequently, the subject matter of claim 1 **differs** from this known valve in that the magnetic control device also includes at least one ball made of magnetic material which is placed in the chamber and is coupled to the external magnetic drive means, said ball being associated with the closure member so as to drive it into the chamber when the ball itself is driven by the external magnetic drive means.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

Claims 2-15 are dependent on claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.